

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

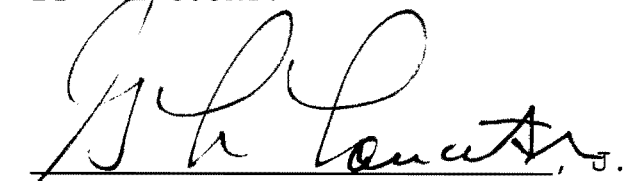
|                               |   |                          |
|-------------------------------|---|--------------------------|
| BOROUGH OF NEW BRIGHTON,      | ) |                          |
| Plaintiff,                    | ) |                          |
|                               | ) |                          |
| v.                            | ) | Civil Action No. 08-1550 |
|                               | ) |                          |
| NORFOLK SOUTHERN CORPORATION, | ) |                          |
| ET AL.,                       | ) |                          |
| Defendants.                   | ) |                          |

ORDER OF COURT

AND NOW this **23** day of June, 2009, the court has been advised that the instant case has been resolved and the only remaining matter is the submission of a stipulation of discontinuance for approval by the court. Therefore, there being no further action needed by the court at this time, IT IS HEREBY ORDERED that the Clerk of Court is directed to mark this case closed.

Nothing contained in this order shall be considered a dismissal or disposition of this matter and this court shall retain jurisdiction. Should further proceedings in it become necessary, or desirable, either party may initiate it in the same manner as if this order had not been entered.

BY THE COURT:

  
\_\_\_\_\_  
Gary L. Lancaster,  
United States District Judge

cc: All Counsel of Record